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4 **IN THE UNITED STATES DISTRICT COURT**  
5 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
6 **SAN JOSE DIVISION**  
7

8 UNITED STATES OF AMERICA, ) No. CR-10-00562 JF  
9 Plaintiff, )  
10 v. ) **STIPULATION AND**  
11 THOMAS O'MEARA, ) **[PROPOSED] ORDER**  
12 Defendant. ) **RESCHEDULING STATUS**  
13 ) **CONFERENCE AND**  
14 ) **EXCLUDING TIME FROM THE**  
15 ) **SPEEDY TRIAL ACT**  
16 ) **[18 U.S.C. § 3161(h)(8)(A)]**  
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15 This matter is currently set for status on June 9, 2011. The parties now  
16 jointly request that the June 9, 2011 hearing date be reset to July 28, 2011 to  
17 allow the U.S. Attorney to produce and defense counsel to review an additional  
18 87,000 pages of discovery in the case. The parties agree, and the Court finds  
19 and holds as follows:

20 1. The currently scheduled June 9, 2011 hearing date is hereby  
21 vacated.  
22 2. This matter is re-set for status on July 28, 2011 at 9:00 a.m.  
23 3. The time between June 9, 2011 and July 28, 2011 is excluded  
24 under the Speedy Trial Act. The parties agree that the failure to grant the  
25 requested continuance would unreasonable deny defense counsel reasonable

1 time necessary for effective preparation, taking into account the exercise of due  
2 diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties agree that the ends of  
3 justice are served by granting the continuance outweigh the best interest of the  
4 public and the defendant in a speedy trial and in the prompt disposition of  
5 criminal cases. See 18 U.S.C. § 3161(h)(8)(A).

6 STIPULATED:

7 DATED: 6/6/2011

/s/

8 Jeane DeKelver  
9 Attorney for Tom O'Meara

10 DATED: 6/6/2011

/s/

11 Joseph Fazioli  
12 Assistant United States Attorney

13 IT IS SO ORDERED.

14 DATED: 6/9/11

15   
16 Jeremy Fogel  
17 United States District Judge